

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 25, 2016

PRESENT: COUNCILLORS: MOUTSOULAS, SINEWITZ, WALSH, MANNING-MARTIN, CHAREST, SASLAW, TURCO, GRAVEL, GARABEDIAN, GOULD, AND MCGINN

ABSENT: None

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Peter M. McGinn.

Salute to the American Flag.

P124-16 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of February 11, 2016. (Unanimous)

COUNCILLOR MCGINN - OPEN MEETING LAW STATEMENT: THIS MEETING IS BEING TELEVISED LIVE ON CABLE CHANNEL 9 AND BEING TAPED BY PEABODY ACCESS TV, AND ALSO BEING RECORDED BY OUR CITY COUNCIL STENOGRAPHER.

P125-16 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 1 from His Honor the Mayor regarding waiver of bidding and advertisement requirements due to emergency conditions at City Hall. (Unanimous)

(HIS HONOR THE MAYOR APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING LATE COMMUNICATION ITEM 1.)

P126-16 COUNCILLOR GRAVEL – WHEREAS, in the opinion of the City Council of the City of Peabody, an extreme conditions exists which affects the health and safety of City employees and those having business with the City, caused by a heating system failure and water damage at Peabody City Hall, such that normal public bidding procedures ought be dispensed with so repairs to the building may be expedited;

THEREFORE, BE IT ORDERED by the City Council of the City of Peabody that it will waive local ordinance provisions, and that the City Purchasing Agent is authorized to secure a waiver of requirements of Chapter 30, Section. 39M and Chapter 149, Section 44 of Mass. General Laws with regard to advertising of bids for remedial repairs to Peabody City Hall described above, and that such contracts as necessary to conduct such repairs be awarded after consideration of competitive quotations, and approval of the Mayor. (Carried 11-0)

HEARINGS

None.

REPORTS OF COMMITTEE

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE
FEBRUARY 25, 2016

P127-16 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – Tonight the Industrial & Community Development Committee met; present was Councillor Saslaw, Councillor Walsh, Councillor Turco sitting in for Councillor Manning-Martin, and Councillor McGinn sitting in for Councillor Sinewitz. We had just one item on the agenda and a motion was made by Councillor McGinn to support the recommendation of the Community Development Group. This will trigger a change in our ordinance that will come before us for a formal vote at a future date. It all has to do with the MassWorks traffic pattern change that's going to go on downtown. (Report received)

P128-16 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – – MOVE TO support the Peabody Square Reconfiguration Project – Traffic Control Agreement Amendment No. 5376 dated June 15, 1988 and as amended on April 7, 1993 and April 5, 2012 relative to Peabody – Peabody Square – Contract B. (Carried 11-0)

P129-16 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO keep in Committee the issue of any changes in the traffic control agreement being fully consistent with Chapter 19 of our ordinances. (Carried 11-0)

COMMITTEE OF THE WHOLE
FEBRUARY 25, 2016

P130-16 COUNCILLOR MCGINN – Reporting for the Committee of the Whole – This evening we had a meeting of the Committee of the Whole. We had three matters on the agenda. The first was an update from the Peabody Downtown Action Team. The Mayor came before us and recognized members of the Peabody Downtown Action Team, also known as PDAT, that were here and have actively participated in that program. Deanne Healey, who's the Executive Director of the Chamber of Commerce and a PDAT cochair, provided a presentation on progress since the last presentation to the City Council in February of 2015. She went on to explain the rationale for moving in the direction of a Main Streets model and how that is being implemented. Ms. Healey highlighted the accomplishments and priorities of the Promotion Committee. Karen Conard from Community Development highlighted the accomplishments and priorities of the Economic Vitality Committee. Julie Daigle highlighted the accomplishments and priorities of the Design Committee of PDAT under the Main Streets organization. They distributed a newsletter to each of the councillors that were present. A number of Councillors expressed their thanks to members of PDAT for their participation. Councillor Walsh made a specific comment in support of the changes that are happening with signage, as he believes that is a very necessary step. So that is a report of progress from the Peabody Downtown Action Team. We skipped to Item C on the agenda, which was discussions with the Superintendent of the Essex North Shore Technical high school, which was to provide an overview of the Fiscal 2017 budget. Present at that meeting was Dr. William Lupini, the interim superintendent of the Essex North Shore Agricultural and Technical School district; Mr. James Liacos, Peabody's appointed member of the Essex Tech; Attorney Melissa Joy Teixeira, the chairperson the Essex Tech School Committee; Maria Znamierowski, the business manager of the Essex Tech; Dr. Herb Levine was also here -- Peabody's interim superintendent of schools; and Peabody School Committee member Beverly Anne Griffin Dunne also attended. Dr. Lupini provided a brief overview of the budget document that had been provided to the council in advance of the meeting and responded to a number of inquiries from several councillors. Councillor Sinewitz asked a number very substantive questions and Dr. Lupini was quite responsive to them. There was quite a bit of information exchanged and questions were answered. The mayor's comments regarding the overall situation with the school is that in his opinion there has been improvements observed since Dr. Lupini has been involved in his interim capacity, there is far more transparency, and he is more comfortable with the direction the school is headed. There were also some comments made by Mr. Liacos. He provided a brief overview of the significant changes that he has observed since his involvement in his appointed capacity as Peabody's representative on the Essex Tech School Committee and his confidence in Dr. Lupini. There were number of additional comments and questions by councillors. Attorney Teixeira also addressed a question specifically regarding pension liability and was committed to providing some additional detail on that. There was a motion offered by Councillor Gravel as an outcome of this update. (Report received)

P131-16 COUNCILLOR MCGINN – Reporting for the Committee of the Whole – MOVE THAT Mr. James Liacos, Peabody's Representative on the Essex North Shore Tech School Committee, meet with the Finance Committee on a quarterly basis. (Unanimous)

P132-16 COUNCILLOR MCGINN – Reporting for the Committee of the Whole – The third item on the agenda for the Committee of the Whole was a review of the salary of the mayor, which is Section 2-13 and 2-13.1 of the charter of the City of Peabody. Before his motion, Councillor Gould provided some information regarding other area communities and the salaries of the mayors and the need that he felt that Peabody had to provide an increase to the mayor. There was quite a bit of discussion about the linkage that exists in the current ordinance to the salaries of the City Council; and I believe that although there was no motion made on that during the Committee of the Whole meeting, I believe Councillor Gravel is prepared to make a motion later on this evening on that matter when we get to the Motions,

Orders, and Resolutions portion of the agenda. Councillor Walsh had recused himself from that vote and stated his reasons for doing so at the Committee meeting and therefore consistent with that action he is recusing himself from the full action by the City Council. Councillor Gould made the following motion. (Report received)

P133-16 COUNCILLOR MCGINN – Reporting for the Committee of the Whole - MOVE TO increase the mayor's salary by 4.75 percent to \$110,000 annually to take effect July 1st, 2016, and to advertise. (Carried 9-0; Councillor Manning-Martin voting present; Councillor Walsh absent)

P134-16 COUNCILLOR MCGINN – Reporting for the Committee of the Whole – We had also had one other activity during the Committee of the Whole where Mayor Bettencourt presented a plaque to Frank Lee for his 20 years of service to the Peabody Conservation Commission. So we also, as a full committee, like to again thank Mr. Lee for his service in various capacities to the City of Peabody. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P135-16 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department go to 35 Driscoll Street and take a look at the property in front of the house, which may be in need of a culvert. (Unanimous)

P136-16 COUNCILLOR MOUTSOULAS – MOVE TO request that the Pubic Services Department install a “Dead End” sign on North Central Street Court. (Unanimous)

P137-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-A communication from Massachusetts State Lottery Commission regarding Keno license application; Lowell Street Market, 672 Lowell Street. (Unanimous)

P138-16 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department repair the curb at the corner of Lindauer Street and Lake Street. It looks like the plows tore it up. (Unanimous)

P139-16 COUNCILLOR CHAREST – MOVE TO set up public hearings for the meeting of Thursday, March 31, 2016, regarding Motion P120-16 Special Permit applications from Onyx Renewable Partners, 126 E. 56th Street, New York, NY, with regards to properties at 201 Warren Street Extension, Map 63, Parcel 95, and 0 Old County Road, Map 52, Parcel 89. (Unanimous)

P140-16 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-E communication from Detour Cars, LLC, 154 Newbury Street (A) regarding Special Permit application and to set up a public hearing. (Unanimous)

P141-16 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from Albert Talarico, Building Commissioner, regarding Special Permit transfer 11-2002; Lasana Kaba d/b/a Kaba Medical Corporation, 484 Lowell Street, subject to all papers being in order. (Unanimous)

P142-16 COUNCILLOR GRAVEL – MOVE TO refer to the Legal Affairs Committee the issue of the linkage of the City Council's salary to the Mayor's salary. (Unanimous)

P143-16 COUNCILLOR GOULD – MOVE TO request that Mike Sheu and Michael Velez from the Peabody Water Department come before the Public Services Committee to give us an overview of the condition of the water pipes within our city. (Unanimous)

P144-16 COUNCILLOR GOULD – MOVE TO send to the Public Services Committee a discussion of sidewalk repairs on a scheduled basis. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P145-16 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from David Terenzoni, Acting Director, Public Services Department, regarding Complete Council motion P22-16. (Unanimous)

P146-16 COUNCILLOR MOUTSOULAS – MOVE TO receive a communication from John P. Marrotta, Jr., 9 Dobbs Road, regarding Special Permit application and to set up a public hearing. (Unanimous)

P147-16 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from NHR Realty, LLC, 22 Stevens Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P148-16 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from James Liacos, Essex North Shore Tech School Committee member, regarding Memorandum; Daniel O'Connell investigation. (Unanimous)

P149-16 COUNCILLOR WALSH – MOVE TO receive a communication from Planning Board regarding Minutes and agenda. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P150-16 COUNCILLOR TURCO – MOVE TO receive and approve Block Party Application – 4 & 5/7 & 8 West Diane Road – July 4, 2016, with hours of music from 4:00 p.m. to 8:00 p.m., subject to all papers being in order. (Unanimous)

P151-16 COUNCILLOR GRAVEL – MOVE TO receive and approve Taxi/Limousine Driver License – Chris Rogers – License 90, subject to all papers being in order. (Unanimous)

P152-16 COUNCILLOR GRAVEL – MOVE TO receive and approve Class 3 Motor Vehicle License (Renewal for 2016) Naises Auto Salvage, 0 Corwin Street, subject to all papers being in order. (Unanimous)

P153-16 COUNCILLOR GRAVEL – MOVE TO receive Junk Dealers License (New) Used Book Superstore Series, LLC, 150 Newbury Street, and to set up a public hearing. (Unanimous)

P154-16 COUNCILLOR GRAVEL – MOVE TO receive Class 3 Motor Vehicle License (Transfer) Friends Auto Shop Services, LLC, 23 Upton Street, and to set up a public hearing. (Unanimous)

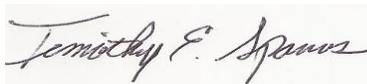
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 3, 2016
RETURNED BY HIS HONOR THE MAYOR, MARCH 3, 2016

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Massachusetts State Lottery Commission re: Keno license application; Lowell Street Market, 672 Lowell Street

David Terenzoni, Acting Director, Public Services Department re: Complete Council motion P22-16

John P. Marrotta, Jr., 9 Dobbs Road re: Special Permit application

NHR Realty, LLC, 22 Stevens Street (R) re: Special Permit application

Detour Cars, LLC, 154 Newbury Street (A) re: Special Permit application

Albert Talarico, Building Commissioner re: Special Permit transfer 11-2002; Lasana Kaba d/b/a Kaba Medical Corporation, 484 Lowell Street

James Liacos, Essex North Shore Tech School Committee member re: Memorandum; Daniel O'Connell investigation

Planning Board re: Minutes and agenda

BLOCK PARTY APPLICATION:

4 & 5/7 & 8 West Diane Road – July 4, 2016

TAXI/LIMOUSINE DRIVER LICENSE:

Chris Rogers – License 90

CLASS 3 MOTOR VEHICLE LICENSE: (Renewal for 2016)

Naises Auto Salvage, 0 Corwin Street

JUNK DEALERS LICENSE: (New)

Used Book Superstore Series, LLC, 150 Newbury Street

CLASS 3 MOTOR VEHICLE LICENSE: (Transfer)

Friends Auto Shop Services, LLC, 23 Upton Street